

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAWN TUCKER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:20-CV-1543 RLW
)	
ETHICON, INC, et al.,)	
)	
Defendants.)	

ORDER ADOPTING MDL COURT’S ORDERS REGARDING EXPERTS

This case is one of tens of thousands of actions that were joined in multidistrict litigation in the United States District Court for the Southern District of West Virginia, in In re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation, MDL No. 2327. That court conducted the MDL litigation in “waves,” with this case being placed in Wave 12. The general causation experts at issue in this case are Defendants’ experts Dr. Brian J. Flynn, M.D., Dr. Salil Khandwala, M.D., and Dr. Christopher Ramsey, M.D., and Plaintiffs’ experts Dr. Bruce Rosenzweig, M.D., Prof. Dr. Med. Uwe Klinge, Dr. Paul J. Michaels, M.D., and Dr. Ralph Zipper, M.D.

The judge presiding over the MDL, Judge Joseph R. Goodwin, issued certain orders pertaining to the experts at issue in this case in prior waves, primarily in Wave 1, and later adopted some of those orders in subsequent waves, but did not issue any Daubert orders in the Wave 12 cases. The parties agree that this Court can adopt the prior MDL Orders, as long as their original objections are preserved for appeal. (ECF No. 78 at 11.) The Court will do so for reasons of judicial efficiency and consistency, and because it sees no reason to depart from Judge Goodwin’s orders. The Court adopts as controlling in this case the following MDL orders:

- Judge Goodwin’s Wave 1 order as to Dr. Flynn (ECF No. 60-16), adopted in Wave 3 (ECF No. 60-17)

- Judge Goodwin’s Wave 1 order as to Dr. Khandwala (ECF No. 60-14), adopted in Wave 3 (ECF No. 60-15)
- Judge Goodwin’s Wave 1 order as to Dr. Ramsey (ECF No. 60-10), adopted in Wave 3 (ECF No. 60-11)
- Judge Goodwin’s Wave 1 order as to Dr. Rosenzweig (ECF No. 60-1), adopted in Wave 5 (ECF No. 78-2), adopted in Wave 6 (ECF No. 78-1), adopted in Wave 7 (ECF No. 60-2)
- Judge Goodwin’s Wave 1 order as to Dr. Klinge (ECF No. 60-5), adopted in Wave 4 (ECF No. 60-6)
- Judge Goodwin’s Wave 2 order as to Dr. Michaels (ECF No. 60-3), adopted in Wave 4 (ECF No. 60-4)
- Judge Goodwin’s Wave 1 order as to Dr. Zipper (ECF No. 60-7)

The parties’ Joint Summary of MDL Rulings on Daubert Motions (“Joint Summary”) (ECF No. 78) sets out their agreement as to Judge Goodwin’s substantive rulings in each of the above orders (*id.* at 12-16, 19-21). The Court adopts the parties’ summary of Judge Goodwin’s substantive rulings and will not revisit the MDL Court’s substantive rulings.

Judge Goodwin reserved ruling on a number of issues related to the experts and the parties requested this Court to resolve those issues. After reviewing the Designation of Record transferred from the MDL and the parties’ Joint Summary and conferring with counsel, the Court declined to rule on the record as transferred from the MDL and ordered the parties to rebrief and file new motions to exclude expert general causation opinions (ECF No. 81).¹ The parties have done so and the Court will address those motions by separate order.

¹The parties’ motions to exclude expert general causation opinions as transferred from the MDL contained thousands of pages of briefs and expert reports in a format that did not lend itself to manageable resolution of the remaining issues regarding the experts, often consisting of adoption by reference of portions of multiple briefs from multiple prior waves. See ECF Nos. 48-59; Joint Summary at 3-11 (identifying MDL motion briefing).

SO ORDERED.

A handwritten signature in black ink that reads "Ronnie L. White". The signature is written in a cursive style with a horizontal line underneath the name.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 24th day of August, 2021.